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8 Attorneys for Defendant

TicketMob, LLC

9  
10 **UNITED STATES DISTRICT COURT**  
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 AMERANTH, INC.,

) Case No.: 11 CV 1810 JLS (NLS)

13  
14 Plaintiff,

) Assigned To: Hon. Janis L. Sammartino

15 v.

) Courtroom: 6, 3rd Floor

16 PIZZA HUT, INC., PIZZA HUT OF  
AMERICA, INC., PAPA JOHN'S USA, INC.,  
17 OPENTABLE, INC., GRUBHUB, INC.,  
NETWAITER, LLC, TICKETMOB, LLC,  
18 EXIT 41, LLC, QUIKORDER, INC.,  
SEAMLESS NORTH AMERICA, LLC, and  
19 O-WEB TECHNOLOGIES LTD.,

) **DEFENDANT TICKETMOB, LLC'S**  
) **ANSWER TO PLAINTIFF**  
) **AMERANTH, INC.'S FIRST**  
) **AMENDED COMPLAINT**

20 Defendant.

21  
22  
23  
24 ) Action Filed: August 15, 2011

25  
26 Defendant TicketMob, LLC ("TicketMob") answers the First Amended  
27 Complaint of Plaintiff Ameranth, Inc. ("Plaintiff"), as follows:

28 //

**Parties**

1. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 1.

2. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 2.

3. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 3.

4. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 4.

5. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 5.

6. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 6.

7. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 7.

8. Defendant admits that it has a principal place of business in Los Angeles, California, and that it makes, uses, sells and/or offers for sale entertainment box office management and ticketing information technology products, software, components and/or systems within this judicial district. Defendant admits that its products, software, components and/or systems include wireless devices. Defendant is unable to understand the meaning of the allegation that Defendant's products, software, components and/or systems "comprise wireless and internet hospitality aspects," and on that basis denies the allegation.

9. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 9.

10. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 10.

11. Defendant lacks knowledge or information sufficient to form a belief as to the

1 truth of the allegations of Paragraph 11.

2 12. Defendant lacks knowledge or information sufficient to form a belief as to the  
3 truth of the allegations of Paragraph 12.

4 **Jurisdiction and Venue**

5 13. Defendant admits the allegations of Paragraph 13.

6 14. Defendant admits the allegations of Paragraph 14.

7 15. Defendant admits that it has offered for sale or license its products and  
8 services in this judicial district. Except as expressly so admitted, Defendant lacks  
9 knowledge or information sufficient to form a belief as to the truth of the allegations of  
10 Paragraph 15.

11 16. Defendant admits the Court has personal jurisdiction over it. Except as  
12 expressly so admitted, Defendant denies the allegations of Paragraph 16.

13 17. Defendant admits that venue is proper in this judicial district as to Defendant.  
14 Except as expressly so admitted, Defendant lacks knowledge or information sufficient  
15 to form a belief as to the truth of the allegations of Paragraph 17.

16 **Background**

17 18. Defendant lacks knowledge or information sufficient to form a belief as to the  
18 truth of the allegations of Paragraph 18.

19 19. Defendant lacks knowledge or information sufficient to form a belief as to the  
20 truth of the allegations of Paragraph 19.

21 20. Defendant lacks knowledge or information sufficient to form a belief as to the  
22 truth of the allegations of Paragraph 20.

23 21. Defendant lacks knowledge or information sufficient to form a belief as to the  
24 truth of the allegations of Paragraph 21.

25 **First Claim for Relief**

26 **Patent Infringement (U.S. Pat. No. 6,384,850)**

27 22. Defendant incorporates by reference its responses to paragraphs 1 through 21  
28 as though set forth in full.

1       23. Defendant lacks knowledge or information sufficient to form a belief as to the  
2 truth of the allegations of Paragraph 23.

3       24. Defendant lacks knowledge or information sufficient to form a belief as to the  
4 truth of the allegations of Paragraph 24.

5       25. Defendant lacks knowledge or information sufficient to form a belief as to the  
6 truth of the allegations of Paragraph 25.

7       26. Defendant lacks knowledge or information sufficient to form a belief as to the  
8 truth of the allegations of Paragraph 26.

9       27. Defendant lacks knowledge or information sufficient to form a belief as to the  
10 truth of the allegations of Paragraph 27.

11       28. Defendant lacks knowledge or information sufficient to form a belief as to the  
12 truth of the allegations of Paragraph 28.

13       29. Defendant lacks knowledge or information sufficient to form a belief as to the  
14 truth of the allegations of Paragraph 29.

15       30. Defendant lacks knowledge or information sufficient to form a belief as to the  
16 truth of the allegations of Paragraph 30.

17       31. Defendant lacks knowledge or information sufficient to form a belief as to the  
18 truth of the allegations of Paragraph 31.

19       32. Defendant lacks knowledge or information sufficient to form a belief as to the  
20 truth of the allegations of Paragraph 32.

21       33. Defendant lacks knowledge or information sufficient to form a belief as to the  
22 truth of the allegations of Paragraph 33.

23       34. Defendant lacks knowledge or information sufficient to form a belief as to the  
24 truth of the allegations of Paragraph 34.

25       35. Defendant lacks knowledge or information sufficient to form a belief as to the  
26 truth of the allegations of Paragraph 35.

27       36. Defendant lacks knowledge or information sufficient to form a belief as to the  
28 truth of the allegations of Paragraph 36.

1        37. Defendant lacks knowledge or information sufficient to form a belief as to the  
2 truth of the allegations of Paragraph 37.

3        38. Defendant lacks knowledge or information sufficient to form a belief as to the  
4 truth of the allegations of Paragraph 38.

5        39. Defendant lacks knowledge or information sufficient to form a belief as to the  
6 truth of the allegations of Paragraph 39.

7        40. Defendant lacks knowledge or information sufficient to form a belief as to the  
8 truth of the allegations of Paragraph 40.

9        41. Defendant lacks knowledge or information sufficient to form a belief as to the  
10 truth of the allegations of Paragraph 41.

11       42. Defendant lacks knowledge or information sufficient to form a belief as to the  
12 truth of the allegations of Paragraph 42.

13       43. Defendant lacks knowledge or information sufficient to form a belief as to the  
14 truth of the allegations of Paragraph 43.

15       44. Defendant lacks knowledge or information sufficient to form a belief as to the  
16 truth of the allegations of Paragraph 44.

17       45. Defendant lacks knowledge or information sufficient to form a belief as to the  
18 truth of the allegations of Paragraph 45.

19       46. Defendant lacks knowledge or information sufficient to form a belief as to the  
20 truth of the allegations of Paragraph 46.

21       47. Defendant lacks knowledge or information sufficient to form a belief as to the  
22 truth of the allegations of Paragraph 47.

23       48. Defendant lacks knowledge or information sufficient to form a belief as to the  
24 truth of the allegations of Paragraph 48.

25       49. Defendant lacks knowledge or information sufficient to form a belief as to the  
26 truth of the allegations of Paragraph 49.

27       50. Defendant lacks knowledge or information sufficient to form a belief as to the  
28 truth of the allegations of Paragraph 50.

1        51. Defendant lacks knowledge or information sufficient to form a belief as to the  
2 truth of the allegations of Paragraph 51.

3        52. Defendant lacks knowledge or information sufficient to form a belief as to the  
4 truth of the allegations of Paragraph 52.

5        53. Defendant lacks knowledge or information sufficient to form a belief as to the  
6 truth of the allegations of Paragraph 53.

7        54. Defendant lacks knowledge or information sufficient to form a belief as to the  
8 truth of the allegations of Paragraph 54.

9        55. Defendant admits acting without authority of license from Ameranth. Except  
10 as expressly so admitted, Defendant denies the allegations of Paragraph 55.

11       56. Defendant denies the allegations of Paragraph 56.

12       57. Defendant admits acting without authority of license from Ameranth. Except  
13 as expressly so admitted, Defendant denies the allegations of Paragraph 57.

14       58. Defendant denies the allegations of Paragraph 58.

15       59. Defendant denies the allegations of Paragraph 59.

16       60. Defendant lacks knowledge or information sufficient to form a belief as to the  
17 truth of the allegations of Paragraph 60.

18       61. Defendant lacks knowledge or information sufficient to form a belief as to the  
19 truth of the allegations of Paragraph 61.

20       62. Defendant lacks knowledge or information sufficient to form a belief as to the  
21 remaining allegations of Paragraph 62.

22       63. Defendant lacks knowledge or information sufficient to form a belief as to the  
23 truth of the allegations of Paragraph 63.

24       64. Defendant lacks knowledge or information sufficient to form a belief as to the  
25 truth of the allegations of Paragraph 64.

26       65. Defendant lacks knowledge or information sufficient to form a belief as to the  
27 truth of the allegations of Paragraph 65.

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1       66. Defendant lacks knowledge or information sufficient to form a belief as to the  
2 truth of the allegations of Paragraph 66.

3       67. Defendant lacks knowledge or information sufficient to form a belief as to the  
4 truth of the allegations of Paragraph 67.

5       68. Defendant lacks knowledge or information sufficient to form a belief as to the  
6 truth of the allegations of Paragraph 68.

7       69. Defendant lacks knowledge or information sufficient to form a belief as to the  
8 truth of the allegations of Paragraph 69.

9       70. Defendant lacks knowledge or information sufficient to form a belief as to the  
10 truth of the allegations of Paragraph 70.

11       71. Defendant lacks knowledge or information sufficient to form a belief as to the  
12 truth of the allegations of Paragraph 71.

13       72. Defendant lacks knowledge or information sufficient to form a belief as to the  
14 truth of the allegations of Paragraph 72.

15       73. Defendant lacks knowledge or information sufficient to form a belief as to the  
16 truth of the allegations of Paragraph 73.

17       74. Defendant lacks knowledge or information sufficient to form a belief as to the  
18 truth of the allegations of Paragraph 74.

19       75. Defendant lacks knowledge or information sufficient to form a belief as to the  
20 truth of the allegations of Paragraph 75.

21       76. Defendant lacks knowledge or information sufficient to form a belief as to the  
22 truth of the allegations of Paragraph 76.

23       77. Defendant lacks knowledge or information sufficient to form a belief as to the  
24 truth of the allegations of Paragraph 77.

25       78. Defendant lacks knowledge or information sufficient to form a belief as to the  
26 truth of the allegations of Paragraph 78.

27       79. Defendant lacks knowledge or information sufficient to form a belief as to the  
28 truth of the allegations of Paragraph 79.

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1        93. Defendant lacks knowledge or information sufficient to form a belief as to the  
2 truth of the allegations of Paragraph 93.

3        94. Defendant lacks knowledge or information sufficient to form a belief as to the  
4 truth of the allegations of Paragraph 94.

5        95. Defendant lacks knowledge or information sufficient to form a belief as to the  
6 truth of the allegations of Paragraph 95.

7        96. Defendant lacks knowledge or information sufficient to form a belief as to the  
8 truth of the allegations of Paragraph 96.

9        97. Defendant lacks knowledge or information sufficient to form a belief as to the  
10 truth of the allegations of Paragraph 97.

11       98. Defendant lacks knowledge or information sufficient to form a belief as to the  
12 truth of the allegations of Paragraph 98.

13       99. Defendant lacks knowledge or information sufficient to form a belief as to the  
14 truth of the allegations of Paragraph 99.

15       100. Defendant lacks knowledge or information sufficient to form a belief as to the  
16 truth of the allegations of Paragraph 100.

17       101. Defendant lacks knowledge or information sufficient to form a belief as to the  
18 truth of the allegations of Paragraph 101.

19       102. Defendant lacks knowledge or information sufficient to form a belief as to the  
20 truth of the allegations of Paragraph 102.

21       103. Defendant lacks knowledge or information sufficient to form a belief as to the  
22 truth of the allegations of Paragraph 103.

23       104. Defendant lacks knowledge or information sufficient to form a belief as to the  
24 truth of the allegations of Paragraph 104.

25       105. Defendant lacks knowledge or information sufficient to form a belief as to the  
26 truth of the allegations of Paragraph 105.

27       106. Defendant lacks knowledge or information sufficient to form a belief as to the  
28 truth of the allegations of Paragraph 106.

1       107. Defendant lacks knowledge or information sufficient to form a belief as to the  
2 truth of the allegations of Paragraph 107.

3       108. Defendant lacks knowledge or information sufficient to form a belief as to the  
4 truth of the allegations of Paragraph 108.

5       109. Defendant lacks knowledge or information sufficient to form a belief as to the  
6 truth of the allegations of Paragraph 109.

7       110. Defendant lacks knowledge or information sufficient to form a belief as to the  
8 truth of the allegations of Paragraph 110.

9       111. Defendant lacks knowledge or information sufficient to form a belief as to the  
10 truth of the allegations of Paragraph 111.

11       112. Defendant lacks knowledge or information sufficient to form a belief as to the  
12 truth of the allegations of Paragraph 112.

13       113. Defendant admits acting without authority of license from Ameranth. Except  
14 as expressly so admitted, Defendant denies the allegations of Paragraph 113.

15       114. Defendant denies the allegations of Paragraph 114.

16       115. Defendant admits acting without authority of license from Ameranth. Except  
17 as expressly so admitted, Defendant denies the allegations of Paragraph 115.

18       116. Defendant denies the allegations of Paragraph 116.

19       117. Defendant denies the allegations of Paragraph 117.

20       118. Defendant lacks knowledge or information sufficient to form a belief as to the  
21 truth of the allegations of Paragraph 118.

22       119. Defendant lacks knowledge or information sufficient to form a belief as to the  
23 truth of the allegations of Paragraph 119.

24       120. Defendant lacks knowledge or information sufficient to form a belief as to the  
25 truth of the allegations of Paragraph 120.

26       121. Defendant lacks knowledge or information sufficient to form a belief as to the  
27 truth of the allegations of Paragraph 121.

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1       122. Defendant lacks knowledge or information sufficient to form a belief as to the  
2 truth of the allegations of Paragraph 122.

3       123. Defendant lacks knowledge or information sufficient to form a belief as to the  
4 truth of the allegations of Paragraph 123.

5       124. Defendant lacks knowledge or information sufficient to form a belief as to the  
6 truth of the allegations of Paragraph 124.

7       125. Defendant lacks knowledge or information sufficient to form a belief as to the  
8 truth of the allegations of Paragraph 125.

9       126. Defendant lacks knowledge or information sufficient to form a belief as to the  
10 truth of the allegations of Paragraph 126.

11       127. Defendant lacks knowledge or information sufficient to form a belief as to the  
12 truth of the allegations of Paragraph 127.

13       128. Defendant lacks knowledge or information sufficient to form a belief as to the  
14 truth of the allegations of Paragraph 128.

15       129. Defendant lacks knowledge or information sufficient to form a belief as to the  
16 truth of the allegations of Paragraph 129.

17       130. Defendant lacks knowledge or information sufficient to form a belief as to the  
18 truth of the allegations of Paragraph 130.

19       131. Defendant lacks knowledge or information sufficient to form a belief as to the  
20 truth of the allegations of Paragraph 131.

21       132. Defendant lacks knowledge or information sufficient to form a belief as to the  
22 truth of the allegations of Paragraph 132.

23       133. Defendant lacks knowledge or information sufficient to form a belief as to the  
24 truth of the allegations of Paragraph 133.

25       134. Defendant lacks knowledge or information sufficient to form a belief as to the  
26 truth of the allegations of Paragraph 134.

27       135. Defendant lacks knowledge or information sufficient to form a belief as to the  
28 truth of the allegations of Paragraph 135.

1        136. Defendant lacks knowledge or information sufficient to form a belief as to the  
2 truth of the allegations of Paragraph 136.

3        137. Defendant lacks knowledge or information sufficient to form a belief as to the  
4 truth of the allegations of Paragraph 137.

5                                    **TicketMob's Affirmative Defenses**

6                                    **First Affirmative Defense – Failure to State Claim**

7        138. The First Amended Complaint, and each and every claim for relief therein,  
8 fails to state facts sufficient to constitute a claim for relief against TicketMob.

9                                    **Second Affirmative Defense – Waiver**

10       139. The First Amended Complaint, and each and every claim for relief therein, are  
11 barred in whole or in part by the doctrine of waiver.

12                                   **Third Affirmative Defense – Laches**

13       140. The First Amended Complaint, and each and every claim for relief therein, are  
14 barred in whole or in part by the doctrine of laches.

15                                   **Fourth Affirmative Defense – Unclean Hands**

16       141. The First Amended Complaint, and each and every claim for relief therein, are  
17 barred in whole or in part because Plaintiff has not behaved equitably, comes to this  
18 Court with unclean hands, and should therefore be denied all relief.

19                                   **Fifth Affirmative Defense – Estoppel**

20       142. The First Amended Complaint, and each and every claim for relief therein, are  
21 barred in whole or in part under the doctrine of estoppel.

22                                   **Sixth Affirmative Defense – Invalidity**

23       143. Defendant is informed and believes and on that basis alleges that the claims of  
24 the patents-in-suit are invalid as anticipated under 35 U.S.C. §103.

25                                   **Seventh Affirmative Defense – Invalidity**

26       144. Defendant is informed and believes and on that basis alleges that the claims of  
27 the patents-in-suit are invalid as obvious under 35 U.S.C. §103.

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**Eighth Affirmative Defense – Invalidity**

145. The claims of the patents-in-suit are invalid for failing to comply with the requirements of 35 U.S.C. §112.

**Ninth Affirmative Defense – Invalidity**

146. The claims of the patents-in-suit are invalid for failing to comply with the requirements of 35 U.S.C. §§111, 115, 116 and/or 118.

**Tenth Affirmative Defense – Inequitable Conduct**

147. Defendant is informed and believes and on that basis alleges that the claims of the patents-in-suit are invalid due to plaintiff’s inequitable conduct in procuring the patents.

**Relief Requested**

Wherefore, TicketMob prays for the following relief:

- 1. That plaintiff take nothing by its First Amended Complaint and that judgment be entered in favor of TicketMob;
- 2. That it be declared that TicketMob’s products do not infringe any claims of the ‘850 and ‘325 patents.
- 3. That it be declared that the claims of the ‘850 and ‘325 patents are invalid;
- 4. That this case be declared exceptional under 35 U.S.C. §285;
- 5. That TicketMob be awarded its attorneys’ fees and costs of suit.
- 6. That TicketMob be granted such other and further relief as the Court may deem just and proper.

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**Jury Demand**

Defendant hereby demands a trial by jury for all issues so triable.

DATED: October 3, 2011

CHAPIN FITZGERALD SULLIVAN &  
BOTTINI LLP

By: /s/ Kenneth M. Fitzgerald  
Kenneth M. Fitzgerald, Esq.  
Douglas J. Brown, Esq.  
Jennifer M. Chapman, Esq.  
Attorneys for Defendant  
TicketMob, LLC